

REMARKS/ARGUMENTS

Claims 57, 58, 61-64, 66-69, 72, 78-81, 83-85, 87, and 89-126 are pending. Claims 59, 60, and 73-76 have been canceled without prejudice. Claims 57, 58, 64, 69, 81, and 96 have been amended. New claims 124-126 have been added. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Applicants submit herewith a Terminal Disclaimer to overcome the rejection of the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,033,366.

Applicants note with appreciation the allowability of claims 91-95, 117-123, and claim 75. Claim 69 has been amended to include the features of claim 75. Therefore, claims 69, 72, 78-80, 91-95, 99-101, 111-113, and 117-123 are allowable.

Claims 57, 58, 61-63, and 105-107

Claims 57, 61-63, and 105-107 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Durand et al. (US 3,893,451) in view of Brockway et al. (US 4,846,191).

Applicants respectfully submit that independent claim 57 is patentable over Durand et al. and Brockway et al. because, for instance, they do not teach or suggest a pressure transmitting catheter having a lumen filled entirely with a pressure transmitting viscous gel; wherein the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting viscous gel provides a sufficient dynamic response. This feature is discussed, for instance, at page 11, lines 8-13. When the length of the pressure transmitting catheter is sufficiently short, the lumen can be filled entirely with a viscous gel without using a low-viscosity fluid but still provides a sufficient dynamic response.

Durand et al. discloses a liquid pressure transmission medium and is devoid of any teaching of a viscous gel. Brockway et al. discloses the use of a combination of a low viscosity liquid and a gel of much higher viscosity. Nothing in these references disclose or suggest the use of a viscous gel without the use of a low-viscosity fluid.

For at least the foregoing reasons, claim 57, and claims 61-63, and 105-107 depending therefrom, are patentable over Durand et al. and Brockway et al.

Claim 58 depends from claim 57 and further recites that the pressure transmission catheter has a length of about 2 mm. This is completely absent from the cited references. Thus, claim 58 is patentable.

Claims 64, 66-68, 108-110, and 124

Claims 64, 66-68, and 108-110 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al. in view of Brockway et al. and Iwata et al. (US 6,019,728).

Applicants respectfully assert that independent claim 64 is patentable over the cited references because, for instance, they do not teach or suggest a pressure transmission catheter having a lumen filled entirely with a pressure transmitting gel and implantable in an area having a physiological pressure, wherein the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting gel provides a sufficient dynamic response.

As discussed above, Durand et al. is devoid of any teaching of a gel. Brockway et al. discloses the use of a combination of a low viscosity liquid and a gel of much higher viscosity. Iwata et al. discloses a silicone gel as a biocompatible pressure transmitting medium. None of these references teach or suggest that the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting gel provides a sufficient dynamic response.

For at least the foregoing reasons, claim 64, and claims 66-68, and 108-110 depending therefrom, are patentable.

New claim 124 depends from claim 64 and further recites that the pressure transmission catheter has a length of about 2 mm. This is completely absent from the cited references. Thus, claim 124 is patentable.

Claims 81, 83-85, 87, 89, 90, 96-98, 102-104, 114-116, and 125

Claims 81, 83, 84, 96-98, and 114-116 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al. in view of Brockway et al. and Iwata et al.

Applicants respectfully assert that independent claim 81 is patentable over the cited references because, for instance, they do not teach or suggest a pressure transmission catheter having a lumen filled entirely with a pressure transmitting gel and implantable in an area having a physiological pressure, wherein the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting gel provides a sufficient dynamic response.

As discussed above, Durand et al. is devoid of any teaching of a gel. Brockway et al. discloses the use of a combination of a low viscosity liquid and a gel of much higher viscosity. Iwata et al. discloses a silicone gel as a biocompatible pressure transmitting medium. None of these references teach or suggest that the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting gel provides a sufficient dynamic response.

For at least the foregoing reasons, claim 81, and claims 83, 84, 96-98, and 114-116 depending therefrom, are patentable.

Claims 85, 87, 89, 90, and 102-104 depend from claim 81, and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Durand et al. in view of Brockway et al. and Iwata et al., and further in view of Pohndorf et al. Pohndorf et al. is cited for allegedly disclosing a device where the pressure transmitting catheter connects to a transducer, which in turn has a wire extending through a catheter to an implanted medical device, which includes a signal processing device. Pohndorf et al. does not cure the deficiencies of Durand et al., Brockway et al., and Iwata et al. Therefore, claims 85, 87, 89, 90, and 102-104 are patentable for at least the same reasons that independent claim 81 is patentable.

New claim 125 depends from claim 81 and further recites that the pressure transmission catheter has a length of about 2 mm. This is completely absent from the cited references. Thus, claim 125 is patentable.

Claims 96-98 and 126

Claims 96-98 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al. in view of Brockway et al. and Iwata et al.

Applicants respectfully assert that independent claim 96 is patentable over the cited references because, for instance, they do not teach or suggest a pressure transmission catheter having a lumen filled entirely with a pressure transmitting gel and implantable in an area having a physiological pressure, wherein the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting gel provides a sufficient dynamic response.

As discussed above, Durand et al. is devoid of any teaching of a gel. Brockway et al. discloses the use of a combination of a low viscosity liquid and a gel of much higher viscosity. Iwata et al. discloses a silicone gel as a biocompatible pressure transmitting medium.

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None of these references teach or suggest that the pressure transmitting catheter is sufficiently short in length so that the pressure transmitting gel provides a sufficient dynamic response.

For at least the foregoing reasons, claim 96, and claims 97-98 depending therefrom, are patentable.

New claim 126 depends from claim 96 and further recites that the pressure transmission catheter has a length of about 2 mm. This is completely absent from the cited references. Thus, claim 126 is patentable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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